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Attorneys for Defendant Vivint, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PAULETTE VENDITTO, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

VIVINT, INC., f/k/a APX Alarm Security
Solutions, Inc.,

Defendant.

Document Electronically Filed

CIVIL ACTION NO. 2:14-cv-04357-JLL-JAD

**NOTICE OF MOTION TO DISMISS THE
SECOND AMENDED COMPLAINT AND
JURY DEMAND PURSUANT TO
FED.R.CIV.P. 12(b)(6)**

ORAL ARGUMENT REQUESTED

TO:

Daniel I. Rubin, Esq.
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PLEASE TAKE NOTICE that on February 17, 2015, at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned counsel on behalf of defendant Vivint, Inc., f/k/a APX Alarm Security Solutions, Inc., shall move before The Honorable Jose L. Linares, United States District Judge, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut

Street, Newark, New Jersey, for an Order dismissing all claims against defendant Vivint, Inc., f/k/a APX Alarm Security Solutions, Inc. with prejudice.

PLEASE TAKE FURTHER NOTICE that in support of this motion, defendant Vivint, Inc., f/k/a APX Alarm Security Solutions, Inc., shall rely on the enclosed brief filed herewith. A proposed form of order is also enclosed.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 78.1 of the Local Rules of the District of New Jersey, oral argument is hereby requested.

Respectfully Submitted,

By: /s/ Gavin J. Rooney
Gavin J. Rooney, Esq.

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Dated: January 23, 2015